

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|--|---|---------------------------------|
| KIARA GIVHAN, |) | CASE NO. 1:13 CV 611 |
| |) | |
| Plaintiff, |) | JUDGE DAN AARON POLSTER |
| |) | |
| vs. |) | <u>OPINION AND ORDER</u> |
| |) | |
| COMMISSIONER OF SOC. SECURITY ADMIN., |) | |
| |) | |
| Defendant. |) | |

Before the Court is the Report and Recommendation of Magistrate Judge James R. Knepp (“R&R”) issued and served on counsel for Plaintiff Kiara Givhan via the Court’s electronic case filing system on April 29, 2015. (**Doc #: 23.**)

Plaintiff, who was born on August 27, 1989, seeks judicial review of the decision of the Commissioner of Social Security denying her application for Social Security supplemental security income. Plaintiff applied for and received disability benefits as a child. Upon her eighteenth birthday, she was reassessed to determine if she met the definition of disability for adults and, ultimately, her claim was finally denied. (See Doc #: 23, at 1-2.)

In a 16-page R&R, the Magistrate Judge concluded that the Commissioner’s decision denying SSI benefits applied the correct legal standards and was supported by substantial evidence. Accordingly, he recommended that the Commissioner’s decision be affirmed. The Magistrate Judge also informed counsel for Plaintiff that any objections to the R&R must be filed within fourteen days of its service. (Id. at 16.)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1) (emphasis added). In this case, 30 days have elapsed since the R&R was issued, and Plaintiff has filed neither an objection nor a request for an extension of time to file one.

The failure to timely file written objections to an R&R constitutes a waiver of a *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Despite the lack of objection, the Court has reviewed the Magistrate Judge's thorough, well-written R&R, agrees with the Magistrate Judge's findings, and **ADOPTS** the Magistrate Judge's recommendation that the Commissioner's decision be **AFFIRMED** and the complaint **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

/s/ Dan A. Polster May 27, 2015
Dan Aaron Polster
United States District Judge